



Area Planning Department For Vigo County

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DATE: June 8, 2017

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #22-17

CERTIFICATION DATE: June 7, 2017

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 22-17. This Ordinance is a rezoning of the property located at 4361 E. Wabash Avenue. The Petitioner, Cathy J. Long, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to C-1, Neighborhood Commerce District, for a dental office/Dr. Luke Staley. The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 22-17 at a public meeting and hearing held Wednesday, June 7, 2017. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 22-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 22-17 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 22-17 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) Permission from City Engineer to allow the detached residence in the rear of the main office or BZA approval of the use of the detached structure as a residence.

A handwritten signature in dark ink, appearing to read "Fred L. Wilson".

Fred L. Wilson, President

A handwritten signature in dark ink, appearing to read "Jared Bayler".

Jared Bayler, Executive Director

Received this 8th day of June, 2017

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APPLICATION INFORMATION

Petitioner: Cathy J. Long /Dr. Luke Staley

Property Owner: Cathy J. Long

Representative: Same as above

Proposed Use: Dental Office

Proposed Zoning: C-1, Neighborhood Commerce District

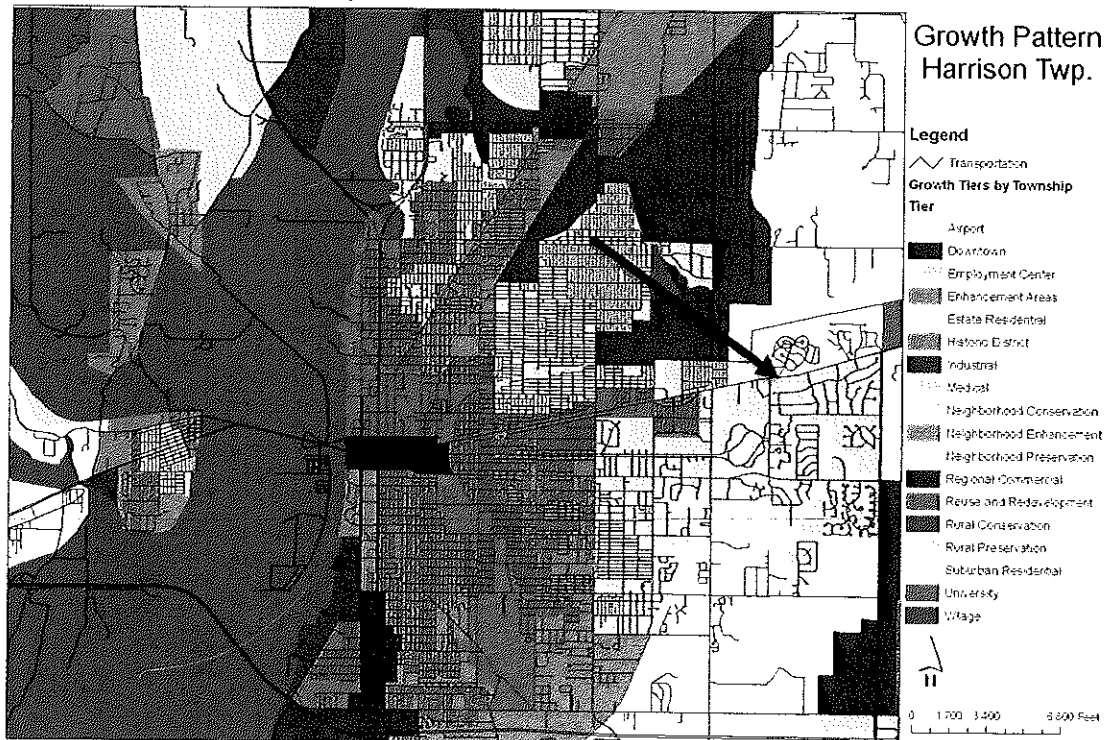
Current Zoning: R-1, Single Family Residential District

Location: The property is located on Wabash Ave. approximately 190 ft. east of Keane Lane

Common Address: 4361 E. Wabash Avenue, Terre Haute IN, 47803

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose stores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of this commercial “strips” should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

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Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Wabash Avenue

Dev. Priority: This area is high intensity residential

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-3, O-1
East – C-6, R-1
South – R-1
West – R-1, C-6

Character of Area: The petitioned property sits in the middle of C-6, Strip Business with R-1 Single Family homes behind property.

ZONING REGULATIONS

C-1 Purpose: The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.

C-1 Uses: Uses permitted in C-1, Community Commerce District are; Barber shops and Beauty shops; Branch banks and Business and professional offices, Clothes pressing establishments; Colleges and universities, but not business colleges or trade schools, Drug stores, Dry cleaning and laundry receiving stations where processing is to be done elsewhere, Grocery stores, meat markets, bakeries, delicatessens, food stores, Hardware stores, Hobby, art, and school supply stores, Ice storage for retail, Launderettes, automatic, self-service only, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each, Nursery schools, non-boarding, in a single-story building.

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C-1 Standards: Minimum Lot Size: 3,300 Sq. Ft.
FAR 0.7 %
Street Setback: 55 feet from centerline;
Rear setback 11';
Interior setback of 5' from the interior lot line;
Office Space, Three (3) spaces per one thousand (1000) square feet of gross floor area.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner has requested the Current R-1 zoning be changed to C-1 to allow for a dental office to operate at that location. The C-1 zoning is designed to be interwoven into residential areas. Most developmental restrictions for this zoning classification are minimal.

Table 4 Within the City Code requires 7 parking stalls per practitioner for dental offices. Sufficient parking should be available.

As there is to only be one practicing Dr. at this location, the definition of Clinic would not apply here. Medical and dental clinics are a listed use under the C-2 zoning. Instead this proposed use could be considered a professional office. As with most dental/professional offices traffic to and from will be slow but consistent. The trickle of traffic should not impact surrounding land uses.

C-1 in the city allows a residence to exist only the second floor of a commercial establishment (Sec. 10-207). Existing currently in the rear of the property is a detached structure being used as a residence. Permission from City Engineering for continued use of the detached structure as a residence must be provided or a BZA application for a variance approved.

There are some issues with the legal description for this location. Prescribed as starting on the south line of Hwy 40, 125 ft. north and south is described as an easement for passage and re-passage

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over that strip of ground. This issue is not one that impacts the rezoning but more a concern of the property owner. For the protection of the property owner this legal description should be corrected.

Recommendation: The staff gives a Favorable Recommendation with the following condition(s):

1. Permission from City Engineering to allow the detached residence in the rear of the main office or BZA approval of the use of the detached structure as a residence.